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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,650	02/16/2001	James William Cooper	YOR920000753US1	4185
7590	10/31/2005		EXAMINER	RIVERO, MINERVA
Ryan, Mason & Lewis, LLP Suite 205 1300 Post Road Fairfield, CT 06430			ART UNIT	PAPER NUMBER
2655				
DATE MAILED: 10/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/785,650	COOPER ET AL. <i>L</i>	
	Examiner	Art Unit	
	Minerva Rivero	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 10-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10-22 and 24-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. In the Remarks filed 8/11/05, Applicants submitted arguments for allowability of pending claims.

***Response to Arguments***

2. Applicant's arguments filed 8/11/05 (see Remarks, pp. 2-4) have been fully considered but they are not persuasive.
3. Regarding claims 1 and 27, Applicants argue that Yahagi and Logan are directed to unrelated art and therefore there is no motivation to combine the cited references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Logan teaches accessing speech data (audio speech file, column 2, line 57); recognizing at least two voice commands ("Go" "Five" "News" etc.) from the speech data, each voice command occurring at a different time (shift to different

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segment; column 12, lines 55-60), but lacks determining a first and second time associated with a speaking of a first and second of the voice commands, wherein said first and second voice command identifies a start and end of said time interval.

Yahagi discloses a speech recognition method comprising the steps of: determining a first time associated with a speaking of first of the voice commands (start), wherein the first voice command identifies a start of a time interval (time interval from the start, column 8, lines 10-37), and

determining a second time associated with a speaking of a second of the voice commands (stop), wherein a second voice command identifies an end of a time interval (column 8, lines 10-37 with lines 48-58), to obtain a correct time measurement.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's method, article of manufacture and computer system wherein it determines a first and second time associated with a speaking of a first and second of the voice commands, wherein said first and second voice command identifies a start and end of said time interval, to perform a correct timing in synchronism with speech input (column 10, lines 22-31).

Furthermore, Applicants argue that neither Yahagi nor Logan disclose storing data identifying said time interval and data identifying one or more of said first and second voice command(s).

The examiner cannot concur with the Applicants. Yahagi *et al.* disclose designating an address for each measurement time data, the measurement time data is retrieved later as needed (*lastly split time is read out*, Col. 3, Line 60 – Col. 4, Line 1),

thus indicating a pointer (*stored identifying information*) to the particular address area with respect to its contents, such pointer having been created when the measurement time data was originally stored.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (U.S. Patent No. 5,721,827), hereinafter referenced as Logan in view of Yahagi et al. (U.S. Patent No. 4,984,274), as stated in the last office action.

6. Claim 8, 10-22, 24-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Yahagi as applied to claim 1 above, and further in view of Ladd et al. (U.S. Patent No. 6,539,359), as stated in the last office action.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 10/20/05



W. R. YOUNG  
PRIMARY EXAMINER